

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NANCY LEONARD,

Plaintiff,

V.

C.A. NO.: 1:16-cv-10393

UNITED STATES DEPARTMENT
OF JUSTICE- BUREAU OF
ALCOHOL, TOBACCO, FIREARMS,
and EXPLOSIVES,

Defendant.

COMPLAINT

PARTIES

1. The Plaintiff, Nancy Leonard (“Leonard”), is an individual residing in Pembroke, Commonwealth of Massachusetts.
2. The Defendant, United States Department of Justice- Bureau of Alcohol, Tobacco, Firearms, and Explosives (“USDJ”), is a body politic and agency of the United States government, headquartered at 99 New York Avenue, NE Washington, DC 20226.

JURISDICTION

3. This court has jurisdiction over this matter pursuant to 28 U.S.C. §1346.

COUNT I

4. On or about February 06, 2015, at approximately 9:15 a.m., the Plaintiff, Leonard, was the owner and operator of a 2005 Lexus motor vehicle bearing a Commonwealth of Massachusetts registration number of 8203KS that was traveling on Adams Street in Abington, Plymouth County.
5. At approximately the same date and time, Lisa A. Rudnick, was operating a vehicle owned by Defendant USDJ bearing a Commonwealth of Massachusetts registration number of 655AV7, on Adams Street in Abington, Plymouth County.

6. Lisa A. Rudnick was operating USDJ's motor vehicle in a negligent and careless manner and as a result of said negligence, Lisa A. Rudnick, caused the vehicle which she was operating to strike and collide with the vehicle operated by the Plaintiff, Leonard.
7. As a result of such collision, the Plaintiff, Leonard, suffered injuries, suffered pain of body and mind, was unable to carry on her business, social and recreational activities, and also incurred medical expenses, which were all the direct and proximate cause of the negligent operation of a vehicle owned by Defendant USDJ, by the said Lisa A. Rudnick, as referenced above.
8. At the time of such operation by the said Lisa A. Rudnick, the latter was an employee of the USDJ, and at the time of such negligent operation, was conducting the business of the Defendant USDJ. As a result of the above, the USDJ is liable to the Plaintiff pursuant to statutory law since the said USDJ was the owner of the vehicle operated by the said Lisa A. Rudnick.
9. On or about March 20, 2015, Plaintiff presented a notice of her bodily injury claim to the United States, as required by the Federal Tort Claims Act, 28 U.S.C. §1346(b). Copies of said presentment are attached as "**Exhibit A**" and incorporated herein by reference.

COUNT I: NEGLIGENCE
(Leonard v. USDJ)

10. The Plaintiff realleges, replays, and incorporates by reference paragraphs 1-9 above as if fully set forth herein.
11. Lisa A. Rudnick owed a duty of reasonable care in the operation of the Defendant, USDJ's motor vehicle to all persons on or about February 06, 2015, including but not limited to Leonard.
12. On or about February 06, 2015, Lisa A. Rudnick was negligent and breached a duty of care to Leonard by failing to operate the Defendant, USDJ's motor vehicle in a reasonable manner and striking the motor vehicle that the Plaintiff was operating.
13. As a direct and proximate result of the USDJ's negligence, Leonard has suffered and will continue to suffer severe injuries, physical and emotional damages, pain and suffering, and has been prevented from carrying on her usual activities of daily living.

WHEREFORE, the Plaintiff, Nancy Leonard, prays that this Honorable Court enter judgment against the Defendant, United States Department of Justice- Bureau of Alcohol, Tobacco, Firearms and Explosives, on Count I, in the full amount of any and all damages recoverable at law, cost, attorney's fees, and for such other and further relief which this Court deems just and proper.

THE PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE

Respectfully submitted,
Plaintiff, NANCY LEONARD,
By her Attorney,

/s/ Michelle L. Newton

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Dated: February 24, 2016

CERTIFICATE OF SERVICE

I Michelle L. Newton, Esq., counsel for the Plaintiff, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non-registered participants on February 24, 2016.

/s/ Michelle L. Newton

Michelle L. Newton, Esq.